THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 26362 of 2005

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Order:

Assailing the orders dated 28.01.2003 and 31.05.2003, passed by respondent Nos.1 and 2 respectively, rejecting the case of the petitioner for compassionate appointment on the ground of low merit/non-availability of vacancies, the petitioner filed the present writ petition.

It is the contention of the petitioner that retiral benefits released by the respondents towards the death of her husband are not adequate to meet the needs of her family, and as such, she made request to the respondents to provide her appointment on compassionate grounds within the prescribed time, but the action of the respondents in declining her request for appointment on compassionate grounds on the ground of low merit/non-availability of vacancies, is illegal and arbitrary.

The respondents filed detailed counter. The learned Standing Counsel appearing on behalf of the respondents submitted that the petitioner's husband died in harness on 02.01.1999. He submitted that the respondents paid an amount of Rs.2,83,661/- to the petitioner towards retiral benefits of her husband, and the petitioner also granted family pension at the rate of Rs.1,937/- per month + D.A. He further submitted that since the vacancies for compassionate appointment are restricted to 5% of direct recruitment and sufficient vacancies were not available to absorb all the dependents of the deceased employees, all cases kept in waiting list have been referred to the Board of Officers appointed to recommend most deserving cases for compassionate

appointment amongst the cases referred to it by attributing points, and since the position of the petitioner in the overall inter relative merit is beyond the available number of very limited vacancies, her case was rejected for compassionate appointment, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The object of providing compassionate appointment is to provide immediate relief and succor to the family of the deceased to enable them to tide over the sudden financial crisis that may befall on family on the death of the sole breadwinner. Be that as it may, providing of employment on compassionate grounds to the family member of the deceased is not as a matter of right, but is subject to the poor financial condition of the family at the time of the death of the deceased employee.

The petitioner's husband died on 02.01.1999, and it is the case of the respondents that they paid an amount of Rs.2,83,661/- to the petitioner towards retiral benefits of her husband. Apart from paying the said amounts, it is the case of the respondents that the petitioner is getting every month an amount of Rs.1,937/- + D.A towards family pension. However, the case of the petitioner was not rejected on the ground of her financial position, but was rejected on the ground of low merit/non-availability of vacancies. According to the respondents, vacancies for compassionate appointment are restricted to 5% of direct recruitment and since sufficient vacancies are not available to absorb all the dependents of the deceased employees, the cases that are kept in waiting list have been referred to the Board of Officers appointed to recommend the most deserving cases for compassionate appointment amongst the cases referred to it by attributing points, and since the

position of the petitioner in the overall inter-relative merit was very low and beyond the available number of very limited vacancies, her case was rejected for compassionate appointment. In that view of the matter, no exception can be taken to the action of the respondents in rejecting the case of the petitioner for compassionate appointment on the ground of low merit/non-availability of vacancies.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 23rd October, 2007.
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